

JUN 30 1993

Before the
Federal Communications Commission
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),
 Table of Allotments,
 FM Broadcast Stations,
 (Latta, Marion, and Camden, South
 Carolina)

) MM DOCKET NO. 93-47

) RM-8188
) RM-8243

To: Chief, Allocations Branch
 Policy and Rules Division
 Mass Media Bureau

**MOTION TO STRIKE AND CONTINGENT REPLY
 TO SUPPLEMENT TO RESPONSIVE COMMENTS**

Winfas of Belhaven, Inc. ("Petitioner"), by and through counsel, and pursuant to 1.415(d) of the Commission's Rules, hereby submits its Motion to Strike and Contingent Reply to the "Suppliment [sic] To Responsive Comments" filed by Joseph Adams Ranke ("Ranke") on June 24, 1993. In support whereof, the following is shown:

Ranke's Supplement Should Be Stricken

1. Ranke's most recent filing is further proof of Ranke's callous disregard for Commission procedures. Ranke now belatedly attempts to correct the procedural deficiencies contained in his earlier filings in the above-captioned proceeding. The pleading cycle in this proceeding has been completed and Ranke was given ample opportunity to put forth the necessary proof to support his Blythewood, South Carolina Counterproposal. Ranke's pleading is nothing

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more than an attempt to file yet another untimely set of comments in this proceeding.

2. The Commission's rules are very clear as to what pleadings are permitted in rulemaking proceedings. Once a Notice of Proposed Rulemaking was issued, Ranke was permitted one opportunity to file a Counterproposal, which opportunity Ranke took on May 13, 1993. The Counterproposal should have been procedurally and substantively complete on the deadline, but it was not. See Petitioner's "Consolidated Motion To Dismiss Counterproposal and Motion To Strike and Contingent Reply To "Responsive Comments" ("Consolidated Motions") at pp. 4-5. Petitioner, on May 28, 1993, replied to Ranke's Counterproposal. Ranke then filed

a late pleading entitled "Responsive Comments" which he now

Petitioner has pointed out, all of Ranke's filings to date have failed to contain the verification required by §1.52 of the rules:

"[T]he original of all petitions, motions, pleadings, briefs, and other documents filed by any party represented by counsel shall be signed by at least one attorney of record...A party who is not represented by an attorney shall sign and **verify** the document and state his address."

47 C.F.R. §1.52 (emphasis added).

4. In this case, Ranke has submitted all of his own filings and is not represented by counsel. None of the pleadings he has filed, including his Blythewood Counterproposal, have contained the verification required by §1.52. In an abortive attempt to correct this defect, Ranke includes, for the first time, a statement that: "...all other materials and pleadings he has submitted...are true

Since Ranke's statement was not made under penalty of perjury, as required by §1.16 of the rules, it cannot be accepted as a verification.

5. Further, even if Ranke were to now submit a verification in proper form, it could not be accepted since the Commission requires filings to be in correct form on the deadline date for filing. See Fort Bragg, California, 6 FCC Rcd 5817 (1991), and Report and Order (Broken Arrow and Bixby, Oklahoma and Coffeerville, Kansas), 3 FCC Rcd 6507 (1988), recon. denied, 4 FCC Rcd 6981 (1989). Therefore, all of Ranke's pleadings to date, including his Blythewood Counterproposal, are procedurally defective and must be dismissed.

Ranke's Supplemental Information Is Not Reliable

6. Should the Commission consider Ranke's supplemental showing despite its infirmities, then it should recognize that neither the informational documents describing the town of Blythewood nor the unsworn statement provided by its mayor, Roland Ballow, were submitted under penalty of perjury, as required by §1.16 of the rules. See paragraphs 3-5, supra. In the absence of such a statement, it is impossible to test the accuracy of this information and it is, therefore, inherently unreliable and should not be credited.

7. Furthermore, no authority is cited for many of the statements contained in the documents. For example,

throughout the documents, reference is made to the population of Blythewood, South Carolina as "about 6,000 people..." See, "Letter from Roland Barrow, Mayor."

However, the 1990 Census data for the town of Blythewood shows a population of only 164 persons.¹ The "about 6,000" figure apparently refers to the entire Blythewood Census

incorporation charter, originally approved in 1879, expired and that the town was re-incorporated in 1974. Id at n. 2. These two examples show that the information contained in Ranke's supplemental showing is not supported by authoritative citation, is inaccurate, and is most likely the product of exaggeration by proud town officials. For these reasons, the Commission should not consider the information contained in Ranke's "Suppliment".

WHEREFORE, Petitioner respectfully requests that the "Suppliment To Responsive Comments" filed by Joseph Adams Ranke be **STRICKEN**. Alternatively, if Ranke's "Suppliment" is considered, Petitioner's Contingent Reply should be **ACCEPTED**.

Respectfully submitted,

WINFAS OF BELHAVEN, INC.

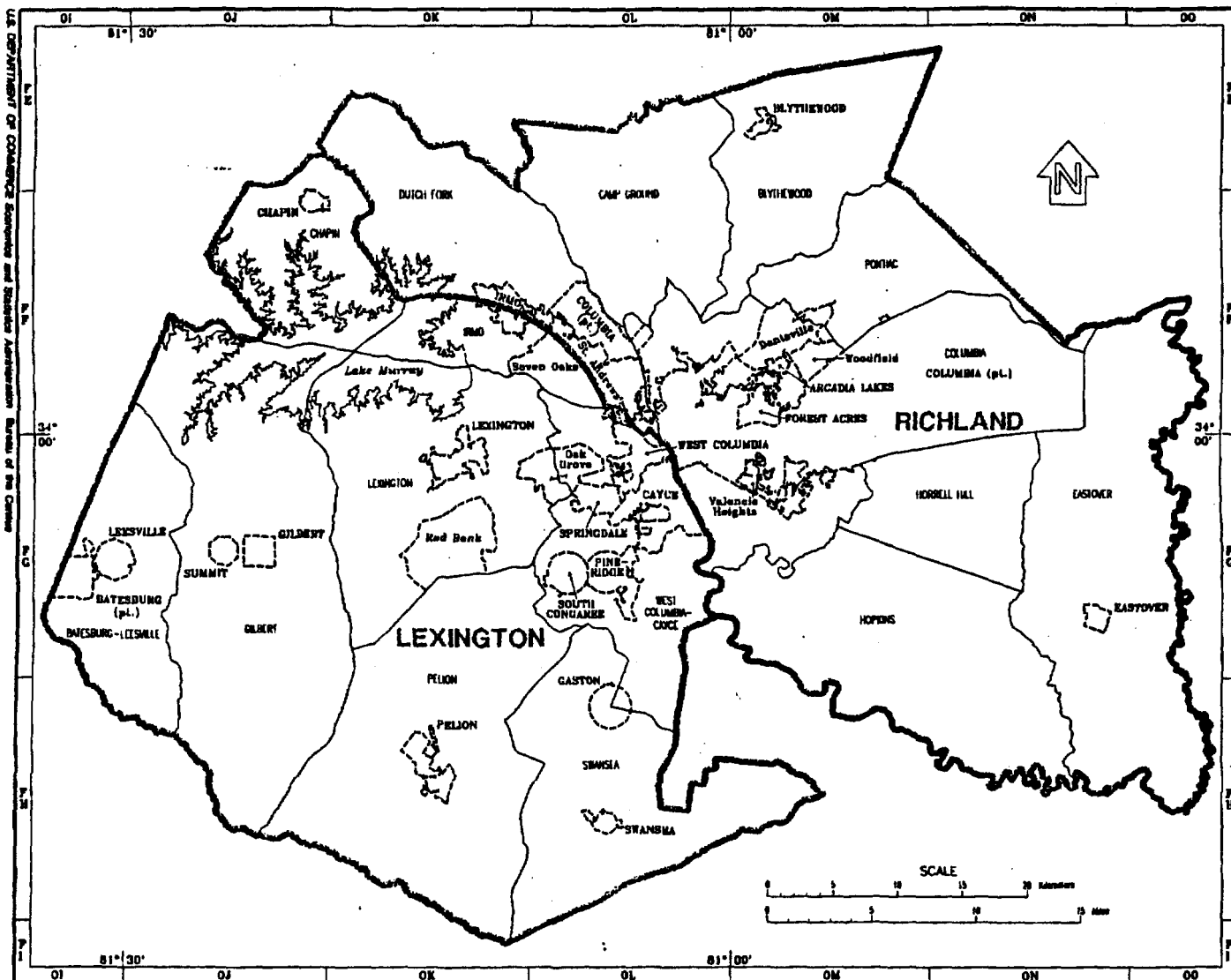
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June 29, 1993

EXHIBIT A



U. S. CENSUS MAP

MAP IS A PORTION OF THE U. S. CENSUS MAP
OF THE STATE OF SOUTH CAROLINA. INSET B.

EXHIBIT #1

REPLY COMMENTS

MM DOCKET #93-47

WINFAS OF BELHAVEN, INC

ALLOT CHANNEL 232C3

LATTA. SOUTH CAROLINA

May 1993

BROMO
COMMUNICATIONS

BROADCAST
TECHNICAL CONSULTANTS

St Simons Island, Georgia

Washington, D.C.

Table 1. Age: 1990—Con.

(For definitions of terms and meanings of symbols, see text)

State County County Subdivision Place	All persons	Age												Median age
		Under 5 years	5 to 14 years	15 years and over	18 to 20 years	21 to 24 years	25 to 44 years	45 to 54 years	55 to 59 years	60 to 64 years	65 years and over	75 years and over	85 years and over	
Oregon County—Con.														
Oregon County—Con.	8 573	494	4 350	5 932	400	529	2 788	831	340	314	738	268	45	30.1
Carson town	135	11	95	94	3	2	47	9	6	7	20	7	1	33.5
Edison CDP	2 815	224	2 104	2 009	145	167	865	264	119	118	329	110	23	31.3
Springfield division	2 184	144	1 499	1 551	94	105	610	228	84	102	374	128	18	33.2
Springfield town	525	37	407	394	16	15	121	61	29	26	118	44	7	39.2
Vasco division	5 345	408	3 904	3 714	245	248	1 424	455	222	324	794	238	35	32.3
Vasco town	438	55	451	429	25	29	156	29	25	43	121	42	5	31.3
Vasco town	214	24	143	131	8	13	58	14	7	4	27	10	1	26.3
Pickens County	93 894	5 485	75 485	73 116	9 873	8 528	27 143	9 509	3 974	3 583	10 484	4 290	904	30.4
Central division	4 994	457	5 463	5 493	453	787	2 210	649	289	291	794	316	64	30.7
Central town	4 428	168	2 007	1 950	144	325	822	192	91	77	297	118	27	39.3
Camden city (pl.)	794	53	473	453	43	173	275	57	15	22	44	25	4	25.8
Harris town (pl.)	540	32	431	413	23	35	160	49	30	26	70	28	3	34.3
Cherokee division	18 127	450	14 436	14 424	8 547	3 991	2 734	915	297	360	1 458	721	162	31.4
Cherokee city (pl.)	10 270	380	8 992	8 922	1 364	2 257	2 353	830	347	334	1 343	643	154	35.4
Easton division	29 125	2 046	22 444	21 809	1 257	1 419	9 362	3 384	1 397	1 190	3 600	1 457	327	34.1
Easton CDP	2 404	184	2 020	1 952	104	165	733	348	148	111	321	119	24	33.9
Easton city	15 195	945	12 094	11 660	648	815	4 897	2 008	1 757	790	2 008	2 277	889	35.8
Easton East division	4 828	459	5 197	4 997	273	310	2 508	811	325	229	581	199	37	33.4
Forest division	1 925	125	1 500	1 442	62	73	630	195	90	104	248	99	20	34.4
Liberty division	9 101	650	6 999	6 705	407	515	2 916	971	435	392	1 049	382	57	32.1
Liberty town	3 228	211	2 553	2 452	128	180	1 057	349	163	184	541	212	38	34.2
Harris town (pl.)	344	23	274	263	15	23	103	43	18	15	45	21	1	26.3
Pickens division	14 014	954	10 914	10 529	554	817	4 728	1 624	726	498	1 880	740	143	34.9
Pickens town	3 043	194	2 449	2 379	124	188	839	284	147	143	450	345	94	34.4
St. Michaels division	7 788	549	5 930	5 717	320	416	2 553	938	367	289	834	356	74	33.1
St. Michaels town	545	44	422	408	14	20	177	70	25	20	82	44	13	35.5
Richmond County	285 720	19 895	225 015	216 931	20 074	22 832	101 001	25 424	10 503	9 644	27 123	10 307	2 226	33.4
Richmond division	4 783	503	5 083	4 837	299	323	2 342	744	313	222	584	192	38	32.4
Richmond town	164	6	132	129	9	7	50	15	15	20	4	6	2	37.5
Camp Ground division	4 125	389	3 154	3 094	181	203	1 340	474	184	204	404	142	32	33.8
Columbia division	180 546	12 201	145 004	140 528	15 587	15 485	59 524	15 050	6 957	6 982	20 748	8 104	1 700	30.4
Accorde Lakes town	899	50	725	703	35	14	272	118	43	63	145	41	9	41.8
Columbia city (pl.)	94 629	5 931	77 588	75 630	11 744	10 023	30 283	4 337	2 745	3 010	11 508	5 135	1 174	28.3
Danville CDP (pl.)	9 587	499	7 814	7 541	430	486	3 513	1 091	492	423	904	359	84	33.3
Forest Acres city	7 197	481	6 143	6 035	149	172	2 324	652	354	487	1 617	613	91	40.3
Venice Forest CDP	4 122	245	3 494	3 422	195	209	1 709	295	134	179	401	120	12	29.9
Woodville CDP	8 842	421	4 931	4 647	423	402	3 073	972	525	437	1 123	128	15	32.0
Dutch Fork division	45 461	2 940	34 838	33 534	1 935	4 461	20 335	3 721	1 267	1 112	2 702	1 039	275	29.7
Columbia city (pl.)	3 803	97	3 339	3 003	170	257	1 843	205	44	35	87	24	4	27.3
Irmo town (pl.)	7 230	804	4 945	4 749	228	254	3 344	580	117	82	142	42	8	29.1
St. Andrews CDP	25 497	1 412	21 650	21 144	1 219	3 281	11 880	1 889	733	637	1 485	475	78	29.3
Eastover division	5 080	379	3 752	3 542	272	284	1 501	561	219	188	535	190	35	31.2
Eastover town	1 044	90	729	697	61	47	299	114	38	23	115	37	7	28.5
Hopkins division	4 812	484	4 914	4 594	348	404	2 140	667	299	207	571	184	50	29.5
Harris Hill division	10 309	942	7 371	7 026	408	490	3 641	1 061	356	294	554	184	45	36.1
Columbia city (pl.)	24 405	2 137	18 897	17 874	1 024	1 001	9 956	3 142	974	744	1 031	248	51	31.9
Powder division	220	18	153	146	15	17	97	10	1	7	4	—	—	25.9
Columbia city (pl.)	2 252	134	1 704	1 621	95	97	672	328	165	107	152	24	4	33.7
Scholar County	16 357	1 071	12 345	12 022	697	842	4 758	1 883	770	812	2 350	970	214	34.4
Barrington division	3 774	236	2 949	2 821	143	174	1 137	474	217	192	480	192	28	35.2
Barrington town	385	40	244	227	9	13	121	29	11	11	33	30	5	26.4
Bridge Spring division	2 995	220	2 266	2 147	117	172	941	280	133	137	387	154	34	33.0
McMinn town (pl.)	100	6	81	74	3	6	32	6	3	3	21	7	2	37.8
Bridge Spring town	861	61	442	412	37	51	239	60	52	44	129	60	8	32.8
Wood town	132	7	95	91	3	3	43	4	4	12	20	7	2	32.8
Selma division	7 507	497	5 682	5 440	343	399	2 103	746	311	354	1 142	480	123	32.8
Selma town	2 708	215	2 078	1 990	134	134	809	262	111	117	398	152	22	31.8
Selma River division	2 079	118	1 447	1 404	74	95	577	279	109	129	341	142	29	38.7
Spencer County	226 800	15 308	177 481	170 923	11 282	13 693	71 313	25 495	10 440	9 905	28 785	11 452	2 289	34.0
Spencer division	11 969	863	9 188	8 794	534	487	4 102	1 471	540	434	974	344	47	32.4
Spencer town	4 125	240	2 755	2 640	141	181	1 100	414	187	108	374	117	15	34.0


CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 30th day of June, 1993, copies of the foregoing were mailed, postage prepaid, to the following:

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